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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,924	07/18/2000	Scott E. Lilienthal	SEL1	8587

7590

06/05/2002

William S Ramsey
Ramsey & Associates PC
5253 Even Star Place
Columbia, MD 21044

EXAMINER

KOVALICK, VINCENT E

ART UNIT

PAPER NUMBER

2673

DATE MAILED: 06/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/618,924

Applicant(s)

LILIENTHAL, SCOTT E. M

Examiner

Vincent E Kovalick

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This Office Action is in response to Applicant's Patent Application, Serial No. 09/618,924, with a File Date of July 18, 2000.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reavey et al (USP 5,847,698) taken with McTaggart (USP 6,021,305).

Relatively to claims 1 and 11, Reavey et al. **teaches** an electronic book device (col. 2, lines 66-67; col. 3, lines 1-67; col. 4, lines 1-11 and Fig. 1). Reavey et al. further teaches a portable paperless book (col. 4, lines 47-55 and Fig. 1).

Reavey et al. **does not teach** said portable paperless book comprising a digital storage device for visual and audible information and a display system for displaying visual and audible information from a storage device wherein visual, audible, or visual and audible information is displayed with the visual and audible information in synchrony.

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McTaggart **teaches** an apparatus and method for enhancing the comprehension and retention of information displayed in a book by combining audio and/or visual messages with the presentation of printed material (col. 1, lines 20-26). McTaggart further **teaches** said portable paperless book comprising a digital storage device for visual and audible information and a display system for displaying visual and audible information from a storage device wherein visual, audible, or visual and audible information is displayed with the visual and audible information in synchrony (col. 2, lines 35-54 and Fig. 1).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate in the device as taught by Reavey et al. the features as taught by McTaggart by adding said features to the device as taught by Reavey et al., in that said features would expand the adaptability of the portable paperless book to a larger number of applications in turn minimizing the cost of the device by producing them in larger numbers while providing a user with a significant improvement to the device by adding the audio feature.

Regarding claim 2, McTaggart **teaches** a paperless book wherein the display of visual information is a light emitting diode (col. 5, lines 23-25).

Relative to claim 4, McTaggart **teaches** said paperless book wherein the display of visual information is in a screen on the paperless book (col. 5, lines 19-23)

Regarding claim 5, McTaggart **teaches** said paperless book wherein the audio information display is produced by a speaker permanently attached to the paperless book (col 4, lines 51-59 and Fig. 1).

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Relative to claim 6, McTaggart **teaches** said paperless book wherein visual display of information is in synchrony with an audible spoken representation of the information (col. 21, lines 38-40).

Regarding claim 7, McTaggart **teaches** said paperless book wherein the audible spoken representation of the information is generated by artificial speech (col. 6, lines 63-67 ; col. 7, lines 1-13 and Abstract).

Relative to claim 8, McTaggart **teaches** said paperless book further comprising a switch which activates and deactivates the visual and aural displays (col. 6, lines 16-32).

Relative to claim 9, Reavey et al. **teaches** said paperless book comprising an electronic bookmark (col. 9, lines 5-6).

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reavey et al taken with McTaggart as applied to claim 1 in item 3 hereinabove, and further in view of Fukumoto et al. (USP 6,380,923).

Relative to claim 3, Reavey et al. taken McTaggart **does not teach** said paperless book wherein the display of visual information is in a head-mounted display.

Fukumoto et al. **teaches** said paperless book wherein the display of visual information is in a head-mounted display (col. 17, lines 53-55 and col. 19, lines 33-40).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate in the device as taught by McTaggart the feature as taught by Fukumoto et al. in order to expand the adaptability of the system to a larger number of applications.

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5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reavey et al. taken with McTaggart as applied to claim 1 in item 3 hereinabove, and further in view of Shwartz et al.(USP 6,243,071).

Relative to claim 10, Reavey taken with McTaggart **does not teach** said paperless book wherein the visual and audible information is a movie.

Shwartz et al. **teaches** a book like document may have one or more tools for navigating through their contents quickly the contents of such documents may include text, graphics "live" action templates, etc. (col. 2, lines 1-67 and col. 3, lines 1-53). Shwartz et al. further **teaches** said

Relative to claim 9, Reavey et al. **teaches** said paperless book comprising an electronic bookmark (col. 9, lines 5-6). paperless book wherein the visual and audible information is a movie (col. 15, lines 2-4).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate in the device as taught by Reavey et al. taken with McTaggart the feature as taught by Shwartz et al in order to expand the adaptability of the system to a larger number of applications.

6. Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reavey et al. taken with McTaggart as applied to claim 1 in item 3 hereinabove, and further in view of Ohara et al.(USP 6,297,812).

Relative to claims 12 and 15, Reavey et al. taken with McTaggart **does not teach** said paperless book wherein the digital storage device is a ROM selected from the group of ROM devices

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consisting of floppy disk, CD-ROM disk and DVD disk; or a control which determines at which point in the sequence of visual and aural information the process of displaying the visual and audible information will begin.

Ohara et al. **teaches** an information display system for electronically reading a book (col. 1, lines 57-67 and col 2, lines 1-67). Ohara et al. further **teaches** paperless book wherein the digital storage device is a ROM (it being understood that ROM devices include floppy disks, CD-ROM disks and DVD disks). Still further, Ohara et al. **teaches** a control which determines at which point in the sequence of visual and aural information the process of displaying the visual and audible information will begin (col. 4, lines 50-67 and Abstract).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate in the device as taught by Reavey et al. taken with McTaggart the feature as taught by Ohara et al. in order to expand the adaptability of the system to incorporate a larger number data memory devices; and to incorporate the feature that will permit the user to determine a which point in the visual and audible information the display process will begin.

7. Claim 13 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Reavey et al. taken with McTaggart as applied to claim 1 in item 3 hereinabove, and further in view of Eberhard et al.(USP 6,331,867).

Relative to claim 13, Reavey et al. taken with McTaggart **does not teach** said paperless book wherein a highlighted portion of the text indicates an associated visual or aural file .

Eberhard et al. **teaches** an electronic book with automated look-up of terms within reference titles

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(col. 1, lines 42-67 and col. 2, lines 1-47). Eberhard et al. further **teaches** said paperless book wherein a highlighted portion of the text indicates an associated visual or aural file (col. 2, lines 16-19).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate in the device as taught by Reavey et al. taken with McTaggart the feature as taught by Eberhard et al. in order to incorporate the feature that will permit the user to identify specific portions of the visual and audible information being displayed to be operated on.

8. Claim 14 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Reavey et al. taken with McTaggart as applied to claim 1 in item 3 hereinabove, and further in view of Nobles et al.(USP 4,820,167).

Relative to claim 14, Reavey et al. taken with McTaggart **does not teach** said paperless book comprising controls which control the speed at which the visual and aural information is scrolled. Nobles et al. **teaches** an electronic school teaching system (col. 1, lines 56-68; col. 2, lines 1-68; col. 3, lines 1-68 and col. 4, lines 1- 25). Nobles et al. further **teaches** said paperless book comprising controls which control the speed at which the visual and aural information is scrolled (col. 5, lines 46-47).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate in the device as taught by Reavey et al. taken with McTaggart the feature as taught by Nobles et al. in order to expand the functionality of the paperless book.

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9. Claims 16-18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reavey et al. taken with McTaggart as applied to claim 1 in item 3 hereinabove, and further in view of Wong (Des. 326,446) taken with Hyman et al. (USP 5,495,557).

Relative to claim 16, Reavey et al. taken with McTaggart **does not teach** said paperless book including a ROM reader, a permanent memory unit and temporary memory unit mounted within the housing.

Wong **teaches** a combined electronic book and CD ROM reader (front page description and Fig. 1).

Reavey et al. taken with McTaggart in view of Wong **does not teach** said paperless book including permanent memory unit, and temporary memory unit mounted within the housing.

Hyman et al. **teaches** an electronic toy for forming sentences (col. 1, lines 32-67 and col. 2, lines 1-2). Hyman et al. further **teaches** a permanent memory unit, and temporary memory unit mounted within the housing (col. 1, lines 11-14 and 32-62).

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the system would include various combinations of a power jack, head-mounted visual display housing jack, aural display housing jack, scroll button, select button, play button, stop or pause button, directional control buttons, volume control dial, door for inserting ROM, and should strap, mounted on the housing, earphones, connecting wires and a earphone jack, the earphone jack connected to the aural display housing jack, a head-mounted visual display, connecting wire, and visual display jack, the visual display jack connected to the head-mounted visual display

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housing jack, in that various combinations of these elements would be required by the system to make it operational, said elements being well known the art.

It would have been further obvious to a person of ordinary skill in the art at the time of the invention to incorporate in the device as taught by Reavey et al. taken with McTaggart the features as taught by Wong and Hyman et al. in order to incorporate in the system data storage (permanent and temporary) and control logic necessary to make the system operational and fit the application for which it is intended.

Regarding claim 17, it would have been obvious to a person of ordinary skill in the art at the time of the invention that the paperless book would comprise a alternating current to direct current convertor which plugs into the power jack and provides direct power to the paperless book in that it would be a system requirement to power the paperless book with DC power.

Relative to claim 18, McTaggart **teaches** a digital storage device for visual and aural information, (col. 7, lines 11-12) with it being understood that the system would have to provide the means to insert the ROM units (e.g. a ROM loading door).

10. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reavey et al. taken with McTaggart as applied to claim 1 in item 3 hereinabove, and further in view of McTaggart.

Relative to claim 19, McTaggart **teaches** the process of simultaneously displaying both visual and aural information is a paperless book (col. 2, lines 3-54 and Fig. 1) comprising the steps:

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a. downloading visual and aural information from a removable memory storage device (col. 7, lines 6-13), b. displaying a page of visual material from the temporary storage site on a visual display (col. 2, lines 35-54 and Fig. 1), and c. displaying aural material from the temporary storage site on a audible display, the display of aural material in synchrony with the display of visual material (col. 2, lines 35-54 and Fig. 1).

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the apparatus as taught by Reavey et al. taken with McTaggart **teaches** the limitation of claim 19 of the instant invention.

Regarding claim 20, McTaggart **teaches** the process wherein the visual and aural information is downloaded from a removable memory storage device (col. 7, lines 6-13). It being understood that the external memory media could consist of a removable memory storage device.

11. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reavey et al. taken with McTaggart as applied to claim 19 in item 10 hereinabove, and further in view of Reavey et al.

Relative to claim 21, Reavey et al. **teaches** advancing the visual display to the next page when the audible display corresponding to the displayed page is completed (col. 7, lines 13-22 and Fig.2).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate in the device as taught by Reavey et al. taken with McTaggart the additional feature as taught by Reavey et al in order to facilitate advancing through the pages of the paperless book.

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Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. .

U. S. Patent No.	5,239,665	Tsuchiya
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U. S. Patent No.	5,631,883	Li
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Responses

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Vincent E. Kovalick** whose telephone number is **(703) 306-3020**. The examiner can normally be reached Monday-Thursday from 9:00 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Bipin Shalwala**, can be reached at **(703) 305-4938**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Inquires

14. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is **(703) 306-0377**.



Vincent E. Kovalick



**BIPIN SHALWALA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**